

AMENDED IN ASSEMBLY APRIL 17, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2447

Introduced by Assembly Member Jones

February 21, 2008

An act to ~~amend Section 66474 of~~ *add Section 66474.02 to the* Government Code, relating to subdivisions.

LEGISLATIVE COUNSEL'S DIGEST

AB 2447, as amended, Jones. Subdivision maps: disapproval.

The Subdivision Map Act requires the legislative body of a city or county to deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes certain findings.

This bill would require the legislative body of a city or county to deny approval of a tentative map, or a parcel map for which a tentative map was not required, ~~if the proposed map will cause increased development in a high or greater fire danger area as designated by the Department of Forestry and Fire Protection unless the department has given written approval of the design and location of the subdivision and the city or county is providing fire protection services for the new development through a local responsibility area or through a state or federal responsibility area that has been reimbursed fully by the city or county for the area in which the proposed subdivision is located~~ *the proposed map is in a state responsibility area or a very high fire hazard sensitivity zone unless the legislative body of a county makes specified findings.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 66474.02 is added to the Government*
2 *Code, to read:*

3 66474.02. (a) *A legislative body of a county shall deny*
4 *approval of a tentative map, or a parcel map for which a tentative*
5 *map was not required, if the proposed map is in a state*
6 *responsibility area or a very high fire hazard severity zone, as*
7 *both are defined in subdivision (b) of Section 5117.*

8 (b) *Notwithstanding subdivision (a), a legislative body of a*
9 *county may approve a tentative map, or a parcel map for which a*
10 *tentative map was not required, if the legislative body of a county*
11 *does all of the following:*

12 (1) *Makes a finding that based on substantial evidence the*
13 *design and location of the subdivision will not increase the risk of*
14 *wildfire and that the structures to be built on the parcels would*
15 *be consistent with any regulations promulgated by the Department*
16 *of Forestry and Fire Protection that govern construction in*
17 *fire-prone areas.*

18 (2) *Makes a finding that based on substantial evidence sufficient*
19 *fire protection and suppression services will be available for the*
20 *subdivision through any of the following:*

21 (A) *Creating a community facilities district for fire protection*
22 *and suppression services for the affected area pursuant to Section*
23 *53313.*

24 (B) *Requiring the annexation of the affected land to a city or*
25 *special district that provides structural fire protection.*

26 (C) *Contracting with the Department of Forestry and Fire*
27 *Protection to provide fire protection services until, or unless, the*
28 *county provides fire protection pursuant to either subparagraph*
29 *(A) or (B) and verifies there is, or will be, sufficient fiscal*
30 *resources, equipment, and water supply and pressure to suppress*
31 *fire.*

32 (3) *Makes a finding that there is adequate ingress and egress*
33 *for the subdivision, including a minimum of two access ways into*
34 *and out of the subdivision for emergency equipment and*
35 *evacuations.*

36 ~~SECTION 1. Section 66474 of the Government Code is~~
37 ~~amended to read:~~

1 ~~66474. A legislative body of a city or county shall deny~~
2 ~~approval of a tentative map, or a parcel map for which a tentative~~
3 ~~map was not required, if it makes any of the following findings:~~

4 ~~(a) That the proposed map is not consistent with applicable~~
5 ~~general and specific plans as specified in Section 65451.~~

6 ~~(b) That the design or improvement of the proposed subdivision~~
7 ~~is not consistent with applicable general and specific plans.~~

8 ~~(c) That the site is not physically suitable for the type of~~
9 ~~development.~~

10 ~~(d) That the site is not physically suitable for the proposed~~
11 ~~density of development.~~

12 ~~(e) That the design of the subdivision or the proposed~~
13 ~~improvements are likely to cause substantial environmental damage~~
14 ~~or substantially and avoidably injure fish or wildlife or their habitat.~~

15 ~~(f) That the design of the subdivision or type of improvements~~
16 ~~is likely to cause serious public health problems.~~

17 ~~(g) That the design of the subdivision or the type of~~
18 ~~improvements will conflict with easements, acquired by the public~~
19 ~~at large, for access through or use of, property within the proposed~~
20 ~~subdivision. In this connection, the governing body may approve~~
21 ~~a map if it finds that alternate easements, for access or for use, will~~
22 ~~be provided, and that these will be substantially equivalent to ones~~
23 ~~previously acquired by the public. This subsection shall apply only~~
24 ~~to easements of record or to easements established by judgment~~
25 ~~of a court of competent jurisdiction and no authority is hereby~~
26 ~~granted to a legislative body to determine that the public at large~~
27 ~~has acquired easements for access through or use of property within~~
28 ~~the proposed subdivision.~~

29 ~~(h) That the proposed map will cause increased development~~
30 ~~in a high or greater fire danger area as designated by the~~
31 ~~Department of Forestry and Fire Protection. The city or county,~~
32 ~~however, may approve the subdivision if both of the following~~
33 ~~occur:~~

34 ~~(1) The Department of Forestry and Fire Protection has given~~
35 ~~written approval of the design and location of the subdivision.~~

36 ~~(2) The city or county is providing fire protection services for~~
37 ~~the new development through a local responsibility area or through~~
38 ~~a state or federal responsibility area that has been reimbursed fully~~

- 1 by the city or county for the area in which the proposed subdivision
- 2 is located.

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